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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/460,960	12/14/1999	MATTHEW ZAVRACKY	0717.1128001	3174

7590 03/11/2002

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EXAMINER

NGUYEN, KIMNHUNG T

ART UNIT PAPER NUMBER

2674

DATE MAILED: 03/11/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/460,960

Applicant(s)

ZAVRACKY ET AL.

Examiner

Kimnhung Nguyen

Art Unit

2674

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 1-31-02.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-85 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-85 are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

**Restriction/Election**

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claim 1-20, drawn to display image, classified in class 345, subclass 87
  - II. Claims 21-31, drawn to active matrix LCD, classified in class 345, subclass 92.
  - III. Claims 32-48, drawn to microdisplay system with memory elements, classified in class 521, subclass 212.
  - IV. Claims 49-56, drawn to analog video system with synch signal separating filter, classified in class 211, subclass 12.
  - V. Claims 57-64, drawn to analog video system with image sensor, classified in class 382, subclass 121.
  - VI. Claims 65-67, drawn to a digital camera, classified in class 348, subclass 211.
  - VII. Claims 68-70, drawn to a portable communication system comprising a cellular telephone classified in class 379, subclass 184.
  - VIII. Claims 71-78, drawn to a digital printer with LCD and backlight, classified in class 358.
  - IX. Claims 79-84, drawn to an instant camera with LED illuminating LCD, classified in class 345, subclass 102.
  - X. Claim 85, drawn to a method of producing a color print, classified in class 358, subclass 134.

The inventions are distinct, each from the other because of the following reasons:

Inventions I, II, III, IV, V, VI, VII, VIII, IX and X are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because a displaying image (of group I) does not require the active matrix LCD (of group II), the microdisplay system with memory elements (of group III), the analog video system with synch signal separating filter (of group IV), an analog video system with image sensor (of group V), an digital camera (of group VI), a portable communication system with cellularexophone (of group VII), a digital printer with LCD and backlight (of group VIII), an instant camera with LED illuminating LCD, and a method of producing an print (of group X). The subcombination has separate utility such as an active matrix LCD having an array of transistor circuits formed in a first plane, each transistor circuit being connected to a pixel electrode in an array of pixel electrodes.

2. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Moreover, the search required for group II is not required for groups I, III, IV, V, VI, VII, VIII, IX, X. The search required for group III is not required for groups I, II, IV, V, VI, VII, VIII, IX, X. The search required for group IV is not required for groups I, II, III, V, VI, VII, VIII, IX, X. The search required for group V is not required for groups I, II, III, IV, VI, VII,

VIII, IX, X. The search required for group VI is not required for groups I, II, III, IV, V, VII, VIII, IX, X. The search required for group VII is not required for groups I, II, III, IV, V, VI, VIII, IX, X. The search required for group VIII is not required for groups I, II, III, IV, V, VI, VII, IX, X. The search required for group IX is not required for groups I, II, III, IV, V, VI, VII, VIII, X. The search required for group X is not required for groups I, II, III, IV, V, VI, VII, VIII, IX. Therefore, restriction for examination purposes as indicated is proper.

3. A telephone call was made to Raymond I. Bruttmeso, Jr. on 2/28/02 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the response to this requirement to be complete must include an election of the invention to be examined even though the requirement is traversed.

### ***Correspondence***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimnhung Nguyen whose telephone number (703) 308-0425.

If attempts to reach the examiner by telephone are unsuccessfully, the examiner's supervisor, **RICHARD A HJERPE** can be reached on (703) 305-4709.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D. C. 20231

**Or faxed to:**

**(703) 872-9314 (for Technology Center 2600 only).**

Application/Control Number: 09/460,960  
Art Unit: 2674

Page 5

Hand-delivery response should be brought to: Crystal Park II, 2121 Crystal Drive,  
Arlington, VA Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding  
should be directed to the Technology Center 2600 Customer Service Office whose telephone  
number is (703) 306-0377.

Kimnhung Nguyen  
February 28, 2002



RICHARD HJERPE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600